

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: POSSIBLE EXPANSION OF EQUIPMENT DISTRIBUTION PROGRAM	DOCKET NO. NOI-02-1
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ORDER INITIATING INQUIRY

(Issued September 18, 2002)

Iowa Code § 477C.4 provides the Iowa Utilities Board (Board) the authority to "plan, establish, administer, and promote a program to secure, finance, and distribute telecommunications devices for the deaf," with the advice of the Dual Party Relay Council (Council). The Board has established an equipment distribution program pursuant to this statute. This program provides assistance to persons with hearing and speech impairments by helping them select telecommunication devices and by providing much of the purchase price of the equipment.

In the spring of 1999, the Iowa Program for Assistive Technology (IPAT) approached the Board with an interest in expanding the Iowa equipment distribution program to include persons challenged by mobility and cognitive disabilities with those challenged by hearing and speech impairments. After discussions involving IPAT, the Board and its staff, and the Council, IPAT sought research assistance from the University of Iowa Clinical Law Program (CLP). Student legal interns from the

CLP under the supervision of Professor Len Sandler met several times with Board staff to discuss research progress.

On April 26, 2002, the University of Iowa Clinical Law Program submitted a report to the Board entitled, "Calling on the Iowa Utilities Board to Improve Telephone Access for Persons with Disabilities" (report). The report identifies persons currently being served by the equipment distribution program as "core" customers and persons with other physical and cognitive impairments as "core-plus" customers. The report requests that the Board expand the equipment distribution program to serve both "core" and "core-plus" customers.

The equipment distribution program is a statutory program and arguably, expansion of its scope beyond persons who are deaf, hard of hearing, or speech impaired will require amendments to Iowa Code chapter 477C.

The Board requests comments regarding whether a statutory amendment should be pursued to expand the equipment distribution program to include "core-plus" customers. Comments on the report are invited from the telephone companies, the Consumer Advocate Division of the Department of Justice (Consumer Advocate), Telecommunications Access Iowa, disability groups, and other interested parties. The authors of the report are also invited to participate in this inquiry.

A copy of the report will be available on the Board's website at www.state.ia.us/iub. A copy of the report may also be requested from the Board's

Information and Records Center at 350 Maple Street, Des Moines, IA, 50319. There will be a charge for the cost of copies from the Records Center.

The Board appoints Joni Nicoll as inquiry manager and Jennifer Johnson as her alternate. Amy Christensen will facilitate an oral comment proceeding on November 7, 2002. The Board, through this inquiry, seeks input from interested persons concerning whether to amend Iowa Code chapter 477C to expand the existing equipment distribution program. The Board expects that this collaborative approach will produce the best information concerning possible legislative action.

COMMUNICATIONS

All persons interested in participating in this inquiry should notify the inquiry manager by electronic mail or in written form of their intent to participate in this proceeding by October 7, 2002. Persons expecting to participate should notify the inquiry manager as to whether they plan to attend and speak at the oral comment proceeding, although failure to do so will not preclude participants from speaking at the proceeding. To allow time to arrange for interpreters, participants must notify the inquiry manager whether an American Sign Language (ASL) interpreter is necessary to allow them to participate in the oral comment proceeding by October 7, 2002. Participants may contact the inquiry manager at Joni.Nicoll@iub.state.ia.us, (515) 281-6441, or Jennifer.Johnson@iub.state.ia.us, (515) 281-5420.

Participants should file written comments on or before October 28, 2002. It is preferred that electronic copies of written comments be sent via electronic mail to the

inquiry manager at Joni.Nicoll@iub.state.ia.us. However, if electronic mail is not available, participants may send written comments to:

Joni Nicoll
Iowa Utilities Board
350 Maple Street
Des Moines, IA 50319-0069
Telephone: (515) 281-6441
Telefax: (515) 281-5329

An electronic copy of written comments should also be sent via electronic mail to Jennifer Easler, Office of Consumer Advocate, at easler@mail.oca.state.ia.us. If electronic mail is not available, participants should send a copy of the written comments to Jennifer Easler, Office of Consumer Advocate, 310 Maple Street, Des Moines, IA 50319. All other communications regarding this inquiry are to be directed to the inquiry manager.

Participants who wish to review comments submitted by other parties, should contact the inquiry manager to request a copy.

An oral comment proceeding will be held beginning at 10 a.m. on Thursday, November 7, 2002, in the Utilities Board Hearing Room, 350 Maple Street, Des Moines, Iowa. The proceeding will conclude no later than 4:30 p.m. Each participant will be given an opportunity to provide oral comment and, if time allows, an open discussion will be held involving all participants and Board staff. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

ASSESSMENT

Participants will not be directly assessed for the costs of this inquiry. Inquiry costs, which are expected to be minimal, will be included as part of the telephone industry's remainder assessment.

ORDERING CLAUSE

IT IS THEREFORE ORDERED:

An inquiry, identified as Docket No. NOI-02-1, is initiated to receive public comment regarding whether a statutory amendment to Iowa Code chapter 477C, expanding the scope of the equipment distribution program should be pursued.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 18th day of September, 2002.